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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,749	08/04/1999	CHRISTOPHER THOMAS VOIGT	1330.1031/JR	3440

21171 7590 06/01/2004  
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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2175

DATE MAILED: 06/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/366,749

Applicant(s)

VOIGT ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-29 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-29, 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-29 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al. (U.S. Patent 6,401,138) in view of Official Notice and further in view of Myers et al. (U.S. Patent 5,832,340).

Claim 25: FIG.1 of Judge et al. illustrates a series of individual computer program applications (A and B) that are operating on a single computer system. The computer is a unit of a healthcare system (HCS). As described at col. 2, lines 4-15, the computer is a document management system (DMS) that can retrieve patient documents.

The document management system (DMS) has a pre-existing user interface illustrated in FIG. 15, which includes an interface with "Main Menu", "Actions", "View" and "Print", as well as a menu box (the box in the upper left hand corner).

As described at col. 1, lines 38-43, the computer system is modified with an application programming interface, or API (col. 1, lines 39-43). The purpose of the API is to permit one application program to invoke a second application program that uses the same data as the first application program (col. 1, lines 55-62).

One result of applying the API to the HCS system is to create a new user interface, which is the submenu "Switch To" created in the pre-existing interface of FIG. 15. The "Switch-To" submenu allows the user to have access to newly added controls ("Scheduling", "Orders" and "Waveforms") that did not exist in the pre-existing user interface. These controls permit the user

to request and display documents. The new controls are supported by the API (col. 19, lines 44-50 and col. 19, lines 55-67).

Judge et al. differs from the claims in that it does not describe the log-in process that permits access to the user interface of FIG. 15. However, FIG. 15 of Judge et al. illustrates a log-off function, which strongly suggests at the existence of a log-on functionality, although it is not explicitly shown Examiner therefore takes Official Notice that it is well known in the art to have a user interface that includes a log-on request interface. It would therefore have been obvious to one of ordinary skill in the art modify the menu box (upper left corner in FIG. 15) to include a log-on request interface in addition to the already illustrated log-off interface so as to permit a user to log on to a computer in a manner that is well known in the art.

Judge et al. also differs in that it does not disclose server system or multiple computers. However, Myers et al. teaches that a medical information system can be distributed into document servers (10, 12, 14) that supply documents to the to multiple computer workstations (FIG. 1 of Myers et al.). It would therefore have been obvious to modify Judge et al. so as to apply the API and new user interfaces to document server computers (10, 12, 14) instead of just an individual computer and distribute the data to multiple workstations. This would afford the added functionalities created by the API to be usable across multiple computer systems and a larger number of users.

Claim 26: The modified user interface of FIG. 15 of Judge et al. allows access to a control object (the newly added function "Switch To").

Claim 27: The control object makes a query for other programs that share the data with the user program of FIG. 15. These other programs are “Scheduling”, “Orders” and “Waveforms”, as illustrated in FIG. 15.

Claim 28: The added user interface element is the function “Switch To”. This added function thus permits the display and navigation of documents retrieved from the “Scheduling”, “Orders” and “Waveforms”.

Claim 29 and 34: By Examiner’s Official Notice, FIG. 15 is modified to include a log-in functionality in addition to the log-off functionality. The user can thus log into the computer or into a set of servers (FIG. 1 of Myers et al.) by initiating the log-in process. The log-in is performed from an interface (the interface of FIG. 15) that has been modified by the API.

Claim 35: Once a user has logged in, the user has obtains some degree of security privileges with the system, and can access the user interface of FIG. 15 to retrieve documents.

Claim 36: In FIG. 15 of Judge et al., the user interface permits retrieval of a patient chart (see “PT. Chart” in menu box). Any viewing or action upon the chart is readable as “chart deficiency completion” lacking any further detail on what the chart deficiency actually is.

Claim 37: Once a user has logged on, they obtain privileges to access the user interface of FIG. 15 of Judge et al. The user interface of Fig. 15 allows display of documents, such as a patient chart, and editing functions (“Select New Patient” or “Switch To”).

#### Remarks

This office action is primarily directed to new grounds of rejection which are necessitated by applicant’s amendments to claim 25 and the addition of claims 35-37. Accordingly, this office action is necessarily made final. Applicant’s arguments regarding the new claimed requirements

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for a DMS server, user interface controls and new claimed requirements for a user authentication process are addressed in detail in the discussions for claim 25.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2175